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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,921	11/19/2001	Toni Paila	4208-4061	9368

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EXAMINER	
MEHRPOUR, NAGHMEH	
ART UNIT	**PAPER NUMBER**
2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/988,921	PAILA, TONI	
	Examiner	Art Unit	
	Naghmeh Mehrpour	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *12-37 and 47-50* is/are allowed.

6)☒ Claim(s) *1-11 and 38-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/16/07*.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Information Disclosure Statement

2. The information disclosure statement filed reference listed in the information Disclosure Submitted on 03/16/07 have been considered by the examiner (see attached PTO-1449

Claim Rejections - 35 USC ∋ 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-4,6-8, 10-12, 14, 38-46,** are rejected under 35 U.S.C. 102(b) as being unpatentable over Paavonen et al. (US Patent 5,799,251).

Regarding claim 1, Paavonen teaches a method of providing service announcement information, comprising:

transmitting at least one of a digital audio or video broadcast a service on a first channel (col 5 lines 1-10); and

transmitting pointer data on the first channel, wherein the pointer data identifies a second channel on which a service announcement identifying the service transmitted on the first channel is located (col 4 lines 61-67, col 5 lines 1-10)).

Regarding claim 2, Paavonen teaches a method of claim 1, wherein the first channel and the second channel are frequencies (col 3 lines 25-37).

Regarding claim 3, Paavonen teaches a method of claim 2, wherein the pointer data includes the frequency of the second channel (col 4 lines 60-67, col 5 lines 1-10).

Regarding claim 4, Paavonen teaches a method of claim 2, wherein the service announcement further identifies the frequency of the channel corresponding to the service (col 4 lines 60-67, col 5 lines 1-10).

Regarding claim 6, Paavonen teaches a method of providing service announcement information, comprising:

transmitting at least one of a digital audio or video broadcast a service on each of a plurality of channels (col 4 lines 60-67, col 5 lines 1-10); and

transmitting pointer data on each of the plurality of channels, wherein the pointer data

identifies a channel containing a plurality of service announcements identifying the services transmitted on each of the plurality of channels (col 4 lines 60-67, col 5 lines 1-10) .

Regarding claim 7, Paavonen teaches a method of claim 6, wherein each of the plurality of channels includes the channel containing the service announcements ((col 4 lines 60-67, col 5 lines 1-10).

Regarding claim 8, Paavonen teaches a method of claim 6, wherein the channel identified by the pointer data is a frequency (col 4 lines 34-56).

Regarding claim 10, Paavonen teaches a method of claim 6, wherein the pointer data includes information sufficient to permit a mobile terminal to access the service announcements (col 4 lines 34-56).

Regarding claim 11, Paavonen teaches a method of claim 10, wherein the information includes at least one of the following: a frequency, a PID, a MAC, a bandwidth, an fft, a constellation, a code rate, a guard interval, a hierarchy and a hierarchical priority (col 5 lines 10-26).

Regarding claim 12, Paavonen teaches a method of providing service announcement information, comprising:

transmitting at least one of a digital audio or video broadcast a service using a first protocol together with first pointer data on each of a first plurality of channels, the first pointer data identifying a first channel containing a plurality of service announcements identifying the services transmitted on each of the first plurality of channels; and transmitting at least one of a digital audio or video broadcast a service using a second protocol together with second pointer data on each of a second plurality of channels, the second pointer data identifying a second channel containing a plurality of service announcements identifying the services transmitted on each of the second plurality of channels (col 4 lines 60-67, col 5 lines 1-10).

Regarding claim 14, Paavonen teaches a method of providing a service announcement, comprising:
transmitting at least one of a digital audio or video broadcast a service using a first protocol on each of a first plurality of channels;
transmitting pointer data on each of the first plurality of channels;
transmitting at least one of a digital audio or video broadcast a service using a second protocol on each of a second plurality of channels; and
transmitting pointer data on each of the second plurality of channels, wherein the pointer data identifies a channel containing a plurality of service announcements identifying the services transmitted on the first plurality of channels and on the second plurality of channels (col 4 lines 60-67, col 5 lines 1-10) .

Regarding claim 38, Paavonen teaches a mobile terminal having at least two receivers enabling the mobile terminal to receive service announcement information of different protocols, comprising:
means for receiving at least one of a digital audio or video broadcast a service on a first channel; and means for receiving pointer data on the first channel, wherein the pointer data identifies a second channel on which a service announcement identifying the service received on the first channel is located (col 4 lines 60-67, col 5 lines 1-10) .

Regarding claim 39, Paavonen teaches a mobile terminal of claim 38, wherein the pointer data includes information that permits the mobile terminal to access the service announcement (col 4 lines 34-56).

Regarding claim 40, Paavonen teaches a mobile terminal of claim 39, wherein the information includes at least one of the following: a frequency, a PID, a MAC, a bandwidth, an fft, a constellation, a code rate, a guard interval, a hierarchy and a hierarchical priority (col 5 lines 10-26).

Regarding claim 41, Paavonen teaches a mobile terminal of claim 40, wherein the service announcement is linked to the frequency (col 5 lines 10-26).

Regarding claim 42, Paavonen teaches a mobile terminal of claim 40, wherein the information tunes the mobile terminal to the second channel (col 5 lines 10-26).

Regarding claim 43, Paavonen teaches an article of manufacture, comprising: a computer readable medium including instructions for: transmitting a service on a first channel; and transmitting pointer data on the first channel, wherein the pointer data identifies a second channel on which a service announcement identifying the service transmitted on the first channel is located (col 4 lines 60-67, col 5 lines 1-10).

Regarding claim 44, Paavonen teaches an article of manufacture, comprising: a computer readable medium including instructions for: transmitting at least one of a digital audio or video broadcast a service on each of a plurality of channels; and transmitting pointer data on each of the plurality of channels, wherein the pointer data identifies a channel containing a plurality of service announcements identifying the services transmitted on each of the plurality of channels (col 4 lines 60-67, col 5 lines 1-10).

Regarding claim 45, Paavonen teaches an article of manufacture, comprising:
a computer readable medium including instructions for: transmitting at least one of a digital audio or video broadcast a service using a first protocol together with first pointer data on each of a first plurality of channels, the first pointer data identifying a first channel containing a plurality of service announcements identifying the services transmitted on each of the first plurality of channels; and

transmitting at least one of a digital audio or video broadcast a service using a second protocol together with second pointer data on each of a second plurality of channels, the second pointer data identifying a second channel containing a plurality of service announcements identifying the services transmitted on each of the second plurality of channels ((col 4 lines 60-67, col 5 lines 1-10).

Regarding claim 46, Paavonen teaches an article of manufacture, comprising: a computer readable medium including instructions for:

transmitting at least one of a digital audio or video broadcast a service using a first protocol on each of a first plurality of channels; transmitting at least one of a digital audio or video broadcast pointer data on each of the first plurality of channels; transmitting a service using a second protocol on each of a second plurality of channels; and

transmitting pointer data on each of the second plurality of channels, wherein the pointer data identifies a channel containing a plurality of service announcements identifying the services transmitted on the first plurality of channels and on the second plurality of channels (col 4 lines 60-67, col 5 lines 1-10).

4. **Claims 5, 9, 13,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Paavonen et al. (US 2002/0142757 A1) in view of Examiner's official notice.

Regarding claims 5, 9, 13, Paavonen fails to teach a method of claim 1, wherein the transmitting steps are performed in accordance with at least one of the following

protocols: DVB, DAB,GSM, GPRS, UMTS, WLAN, and Bluetooth. However Examiner takes official notice that DVB-T is well known and standard type of broadcast. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use DVB-T as a multuicast format to insure standard operation and system interoperability.

Allowable Subject Matter

5. **Claims 15-37, 47-50,** are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims 1-14, 38-26, have been considered but are moot in view of the new ground(s) of rejection.

The references made herein are done so for the convenience of the applicant. They are in no way meant to limit the reference. The reference MUST be considered in its entirety.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

May 9, 2007

NAGHMEH MEHRPOUR
PRIMARY EXAMINER